

FINGERPRINTING AND CRIMINAL JUSTICE INFORMATION SERVICES

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The FBI considers departments of education and local school districts as “noncriminal justice agencies,” which maintain criminal history record information (CHRI), a subset of criminal justice information (CJI). CHRI is defined as any notations or other written or electronic evidence of an arrest, detention, complaint, indictment, information or other formal criminal charge relating to an identifiable person that includes identifying information regarding the individual as well as the deposition of any charges.

This information (CHRI) is maintained in a number of ways such as by hard copy in case files or file cabinets, **or** kept on email servers, individual desktops, and records management systems.

As a result, the FBI, in order to protect the privacy of the data made possible by the fingerprinting process in acquiring CJI, has established requirements for local school districts with which to comply. These requirements are detailed in the **updated FBI CJIS Security Policy, Version 5.8.**

The FBI CJIS Security Policy requires all noncriminal justice agencies, such as school districts, to designate a Terminal Agency Coordinator (TAC) and a Local Agency Security Officer (LASO).

In addition, there are requirements, including but not limited to, pertaining to the location in which the information is maintained, request and use of the criminal justice information (CJI), maintenance and safeguarding of CJI, disclosure of CJI by permitted individuals, security incident response, record retention, disposal and destruction of CJI and training requirements.

Policy Implications

This remains ~~an extremely difficult topic to determine the~~ **a challenging and multi-faceted process requiring** necessary actions school districts need to take.

The CABE Policy Department recommends districts revise existing policy #4112.5/4212.5, “Security Check/ Fingerprinting,” and **especially** its accompanying administrative regulation. Existing policy #4112.5/4212.5, has been modified to include the following language, “Criminal Justice Information (CJI) is to be maintained in accordance with the administrative regulation pertaining to the use and disclosure of criminal justice information.”

Federal Criminal History Record Information (CHRI) shall be used solely for the purpose requested and cannot be disseminated outside the receiving departments, related agencies, or other authorized entities.

The physical protection policy can be part of your media protection policy or a policy on its own. Physical CHRI information is kept in secured/locked file cabinets and access is only granted to those authorized to view it. It is the policy of the Board to ensure CHRI and information system hardware, software, and media are physically protected through access control measures.

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The administrative regulation, which accompanies this policy, therefore, has been updated to include a new section pertaining to the requirements of the FBI pertaining to criminal justice information.

This material follows for your consideration and use. It is strongly recommended in dealing with this topic, that the district's legal counsel be consulted.

April 2017
Revised July 2019
Revised April 2024

Security Check/Fingerprinting

In order to create a safe and orderly environment for students, all offers of employment will be conditional upon the successful outcome of a criminal record check. In addition, any person applying for employment with the Board shall submit to a record check of the Department of Children and Families (DCF) Child Abuse and Neglect Registry before the person may be hired.

Note: Applicants for all positions, certified or non-certified must submit to a check of Department of Children and Families Child Abuse and Neglect Registry.

Applicants, as required, shall make disclosures containing (1) current and past employers' contact information; (2) authorization allowing contact with such employers; and (3) statements about any past misconduct, discipline, or licensure penalties as a result of sexual misconduct or abuse allegations.

The District, prior to hiring such applicants, applicants, will (1) ensure that they complete the above stated three requirements; (2) review applicants' employment history after making a documented, good faith effort to contact previous employers for information; and (3) request any available information about applicants from SDE.

The background/reference checks shall be done in compliance with the statutory guidelines contained in Board policy #4112.51/4212.51, as [amended/updated in 2019](#).

District employees shall within 30 days after they are hired submit to state and national criminal checks. District students employed by the school system are exempted from this requirement.

Workers placed in a school under a public assistance employment program shall also submit to the criminal check if such individuals will have direct contact with students.

School nurses and nurse practitioners appointed by the Board or under contract with the Board shall also submit to a criminal history check [pursuant to C.G.S. 29-17a](#).

Student teachers placed in District schools as part of completing preparation requirements for the issuance of an educator certificate shall also be required to undergo the same criminal background checks and DCF child abuse and neglect registry check already required for school employees.

A District student, employed by the District or a person employed by the Board as a teacher for a non-credit adult class or adult education activity (as defined in C.G.S. 10-67) who is not required to hold a teaching certificate, pursuant to C.G.S. 10-145b, as amended by PA 18-51, is exempt from the fingerprinting requirement.

Criminal Justice Information (CJI) is to be maintained in accordance with the administrative regulation pertaining to the use and disclosure of criminal justice information.

Security Check/Fingerprinting, continued

(cf. 4112.51/4212.51 - Employment/Reference Checks)

Legal Reference: Connecticut General Statutes

10-221d Criminal history records checks of school personnel. Fingerprinting. Termination or dismissed. (as amended by PA 01-173, PA 04-181 and June 19 Special Session, PA 09-1, PA 11-93, PA 16-67, PA 18-51 and PA 19-91)

17a-101k Registry of findings of abuse or neglect of children maintained by Commissioner of Children and Families. Notice of finding of abuse or neglect of child. Appeal of finding. Hearing procedure. Appeal after hearing. Confidentiality. Regulations.

29-17a Criminal history checks. Procedure. Fees.

PA 16-67 An Act Concerning the Disclosure of Certain Education Personnel Records

Criminal Justice Information Services (CJIS) Security Policy, Version 5.4, U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, October 6, 2015.

Policy adopted by the Waterbury Board of Education on October 17, 2019

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Security Check/Fingerprinting – Criminal History Record Information (CHRI) (Proper Access, Use and Dissemination Procedures)**Purpose**

The Board of Education's (Board) intent of this policy is to ensure the protection of the Criminal Justice Information (CJI) and its subset of Criminal History Record Information (CHRI) until the information is purged or destroyed in accordance with applicable record retention rules.

This policy is based upon the FBI's Criminal Justice Information Services (CJIS) Security Policy. The Board considers the FBI CJIS Security Policy as the minimum standard. This Board policy may augment, or increase the standards, but shall not detract from the CJIS Security Policy standards.

Scope

This policy applies to any electronic or physical media containing FBI CJI while being stored, accessed or physically moved from a secure location within the District. This policy applies to any authorized person who accesses, stores, and/or transports electronic or physical media.

Criminal Justice Information (CJI) and Criminal History Record Information (CHRI)

CJI refers to all of the FBI CJIS provided data necessary for law enforcement and civil agencies to perform their missions including, but not limited to biometric, identity history, biographic, property, and case/incident history data.

CHRI is a subset of CJI and for the purposes of this policy is considered interchangeable. Due to its comparatively sensitive nature, additional controls are required for the access, use and dissemination of CHRI. In addition to the dissemination restrictions outlined below, Title 28, Part 20, Code of Federal Regulations (CFR), defines CHRI and provides the regulatory guidance for dissemination of CHRI.

Proper Access, Use, and Dissemination of CHRI

Information obtained from the Interstate Identification Index (III) is considered CHRI. Rules governing the access, use, and dissemination of CHRI are found in Title 28, Part 20, CFR. The III shall be accessed only for an authorized purpose.

Further, CHRI shall only be used for an authorized purpose consistent with the purpose for which III was accessed. Dissemination to another agency is authorized if (a) the other agency is an Authorized Recipient of such information and is being serviced by the accessing agency, or (b) the other agency is performing noncriminal justice administrative functions on behalf of the authorized recipient and the outsourcing of said functions has been approved by appropriate CJIS Systems Agency (CSA) or State Identification Bureau (SIB) officials with applicable agreements in place.

Personnel Security Screening

Access to CJI and/or CHRI is restricted to authorized personnel. Authorized personnel is defined as an individual or group of individuals, appropriately vetted through a national fingerprint-based record check and granted access to CJI data. Agencies, including school districts, located within states with legislation authorizing or requiring civil fingerprint-based background checks for personnel with access to CHRI for the purposes of licensing or employment shall submit a fingerprint-based record check within 30 days of employment or assignment on all personnel

Security Check/Fingerprinting – Criminal History Record Information (CHRI) (Proper Access, Use and Dissemination Procedures), continued

with those who have direct access to CJI, those who have direct responsibility to configure and maintain computer systems and networks with direct access to CJI, and any persons with access to physically secure locations or controlled areas containing CJI.

Security Awareness Training

Basic security awareness training is required, within six months of initial assignment, and biennially thereafter, for all personnel with access to CJI.

Physical Security

A “physically secure location” is a facility or an area, room, or group of rooms within a facility with sufficient physical and personnel security controls to protect the FBI CJI and associated information systems. The perimeter of the physically secure location shall be prominently posted and separated from non-secure locations by physical controls.

Only authorized personnel shall access physically secure non-public locations. The District will maintain a current list of authorized personnel. All physical access points into the District’s secure areas will be authorized before granting access. The District will implement access controls and monitor physically secure areas to protect all transmission and display mediums of CJI. Authorized personnel will take necessary steps to prevent and protect the District from physical, logical and electronic breaches.

Media Protection

Controls shall be in place to protect electronic and physical media containing CJI while at rest, stored, or actively being accessed. “Electronic media” includes memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card. “Physical media” includes printed documents and imagery that contain CJI.

The District shall securely store electronic and physical media within physically secure locations or controlled areas. The District restricts access to electronic and physical media to authorized individuals. If physical and personnel restrictions are not feasible then the data shall be encrypted per Section 5.10.1.2.

Media Transport

Controls shall protect electronic and physical media containing CJI while in transport (physically moved from one location to another) to prevent inadvertent or inappropriate disclosure and use. The District shall protect and control electronic and physical media during transport outside of controlled areas and restrict the activities associated with transport of such media to authorized personnel.

Media Sanitization and Disposal

When no longer usable, hard drives, diskettes, tape cartridges, CDs, ribbons, hard copies, print-outs, and other similar items used to process, store and/or transmit FBI CJI shall be properly disposed of in accordance with measures established by the District.

Security Check/Fingerprinting – Criminal History Record Information (CHRI) (Proper Access, Use and Dissemination Procedures), continued

One of the following methods shall dispose of physical media (printouts and other physical media):

1. Shredding using District issued shredders;
1. Placed in locked shredding bins for private contractor to come on site and shred, witnessed by District personnel throughout the entire process;
2. Incineration using District incinerators or witnessed by District personnel onsite at District or at contractor incineration site, if conducted by non-authorized personnel.

Electronic media (hard drives, tape cartridge, CDs, printer ribbons, flash drives, printer and copier hard drives, etc.) shall be disposed of by one of the following District methods:

0. *Overwriting* (at least 3 times) — an effective method of clearing data from magnetic media. Overwriting uses a program to write (1's, 0's, or a combination of both) onto the location of the media where the file to be sanitized is located.
0. *Degaussing* — a method to magnetically erase data from magnetic media. Two types of degaussing exist: strong magnets and electric degausses. Common magnets are weak and shall not be used to degauss magnetic media.
0. *Destruction* — a method of destroying magnetic media. Destruction of magnetic media is to physically dismantle by methods of crushing, disassembling, etc., ensuring that the platters have been physically destroyed so that no data can be pulled.

IT systems that have been used to process, store, or transmit FBI CJI and/or sensitive and classified information shall not be released from the District's control until the equipment has been sanitized and all stored information has been cleared using one of the above methods.

Account Management

The District shall manage information system accounts, including establishing, activating, modifying, reviewing, disabling, and removing accounts. The District shall validate information system accounts at least annually and shall document the validation process.

All accounts shall be reviewed at least annually by the designated CJS point of contact (POC) or his/her designee to ensure that access and account privileges are commensurate with job functions, need-to-know, and employment status on systems that contain Criminal Justice Information. The POC may also conduct periodic reviews.

Remote Access

The District shall authorize, monitor, and control all methods of remote access to the information systems that can access, process, transmit, and/or store FBI CJI. Remote access is any temporary access to the District's information system by a user (or an information system) communicating temporarily through an external, non-District controlled network (e.g., the Internet).

The District shall employ automated mechanisms to facilitate the monitoring and control of remote access methods. The District shall control all remote accesses through managed access control points. The District may permit remote access for privileged functions only for compelling operational needs, but shall document the rationale for such access in the security plan for the information system.

Security Check/Fingerprinting – Criminal History Record Information (CHRI) (Proper Access, Use and Dissemination Procedures), continued

~~Utilizing publicly accessible computers to access, process, store or transmit CJI is prohibited. Publicly accessible computers include but are not limited to hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.~~

Personally Owned Information Systems

~~A personally owned information system is not authorized to access, process, store or transmit CJI unless the District has established and documented the specific terms and conditions for personally owned information system usage. A personal device includes any portable technology like camera, USB flash drives, USB thumb drives, DVDs, CDs, air cards and mobile wireless devices such as Androids, Blackberry OS, Apple iOS, Windows Mobile, Symbian, tablets, laptops or any personal desktop computer.~~

Reporting Information Security Events

~~The District shall promptly report incident information to appropriate authorities to include the state CSA or SIB's Information Security Officer (ISO). Information security events and weaknesses associated with information systems shall be communicated to allow for timely corrective action to be taken. Formal event reporting and escalation procedures shall be in place. Wherever feasible, the District shall employ automated mechanisms to assist in the reporting of security incidents. All employees, contractors and third party users shall be made aware of the procedures for reporting the different types of event and weakness that might have an impact on the security of agency assets and are required to report any information security events and weaknesses as quickly as possible to the designated point of contact.~~

Policy Violation/Misuse Notification

~~Violation of any of the requirements contained in this CJIS Security Policy or Title 28, Part 20, CFR, by any authorized personnel will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution and/or termination.~~

~~Likewise, violation of any of the requirements contained in the CJIS Security Policy or Title 28, Part 20, CFR, by any visitor can result in similar disciplinary action against the sponsoring employee, and can result in termination of services with any associated consulting organization or prosecution in the case of criminal activity.~~

Security Check/Fingerprinting/Criminal Justice Information**CHRI Retention and Destruction**

The following administrative regulations are developed to ensure Criminal Justice Information compliance:

Relevant Acronym Key

<u>CJI/CJIS</u>	<u>Criminal Justice Information/Services</u>
<u>CJA</u>	<u>Criminal Justice Agency</u>
<u>CSA</u>	<u>CJIS Systems Agencies</u>
<u>CSO</u>	<u>CJIS Systems Officer</u>
<u>CGA</u>	<u>Contracting Government Agency</u>
<u>AC</u>	<u>Agency Coordinator</u>
<u>CSA ISO</u>	<u>CJIS Systems Agency Information Security Officer</u>
<u>LASO</u>	<u>Local Agency Security Officer</u>
<u>FBI CJIS ISO</u>	<u>FBI CJIS Division Information Security Officer</u>
<u>CJI</u>	<u>Criminal Justice Information</u>
<u>CHRI</u>	<u>Criminal History Record Information</u>
<u>PII</u>	<u>Personally Identifiable Information</u>
<u>TAC</u>	<u>Terminal Agency Coordinator</u>
<u>COLLECT CJBAU</u>	<u>CT On-Line Law Enforcement Communications Teleprocessing</u>
	<u>Criminal Justice Business Applications Unit</u>

Purpose

This policy is applicable to any fingerprint-based state and national criminal history record check made for non-criminal justice purposes and requested under applicable federal authority and/or state statute authorizing such checks for hiring personnel for employment in the Waterbury Public School District.

The following policies were developed using the FBI's Criminal Justice Information Services (CJIS) Security Policy. While the Waterbury Public School District may complement CJIS policy with local requirements, CJIS policy shall always be the minimum standard. The local policy may augment or increase the standards but shall not detract from the CJIS Security Policy Standards.

Security Check/Fingerprinting/Criminal Justice Information

CHRI Retention and Destruction (continued)

Criminal Justice Information (CJI) and Criminal History Record Information (CHRI)

CJI is the term used to refer to all of the FBI CJIS-provided data necessary for law enforcement and civil agencies to perform their missions, including, but not limited to, biometric, identity history, biographic, property, and case/incident history data.

CHRI is a subset of CJI and is considered interchangeable for purposes of this document. Due to its comparatively sensitive nature, additional controls are required for the access, use and dissemination of CHRI. In addition to the dissemination restrictions outed below, Title 28, Part 20, Code of Federal Regulations (CFR), defines CHRI and provides the regulatory guidance for dissemination of CHRI

Requesting CHRI Checks

Fingerprint-based CHRI checks will only be conducted as authorized by the FBI and the Connecticut Department of Emergency Services and Public Protection – COLLECT CJBAU, in accordance with all applicable state and federal rules and regulations.

If an applicant or employee is required to submit to a fingerprint-based state and national criminal history record check, they shall be informed of this requirement and instructed on how to comply with the law. Such instructions will include information on the procedure for submitting fingerprints. In addition, the applicant or employee will be provided with all information needed to successfully register for a fingerprinting appointment.

Acceptable Use of CHRI

All CHRI is subject to strict state and federal rules and regulations. CHRI is used only for the official purpose for which it was requested, and CHRI cannot be shared with other entities for any purpose, including subsequent hiring determinations. All receiving entities are subject to audit by the COLLECT CJBAU (Connecticut On-Line Law Enforcement Communications Teleprocessing/Criminal Justice Business Applications Unit) and the FBI, and failure to comply with such rules and regulations could lead to sanctions. Furthermore, the Waterbury Public School District and the employee responsible for overseeing CJI can be charged with federal and state crimes for the willful, unauthorized disclosure of CHRI.

Security Check/Fingerprinting/Criminal Justice Information

CHRI Retention and Destruction (continued)

Personnel Training

An informed review of a criminal record requires training. Accordingly, all personnel authorized to receive and/or review CHRI for the Waterbury Public School District will review and become familiar with educational and relevant training materials regarding CHRI laws and regulations made available by the appropriate agencies.

In addition to the above, all personnel authorized to receive and/or review CHRI must undergo Security Awareness Training on a biennial basis. This training will be accomplished using the training provided by CJIS Online.

The Superintendent or designee will be responsible for overseeing all training programs and adherence to all training requirements.

Personnel Security (All Personnel)

All personnel requiring access to CHRI must first be deemed “Authorized Personnel” by the Superintendent or designee. The COLLECT CJBAU will review and determine if access is appropriate. Access is denied if the individual has ever had a felony conviction of any kind, no matter when it occurred. Access may be denied if the individual has one or more recent misdemeanor convictions.

In addition to the above, an individual believed to be a fugitive from justice or having an arrest history without convictions will be reviewed to determine if access to CHRI is appropriate. The COLLECT CJBAU will take into consideration extenuating circumstances where the severity of the offense and the time that has passed would support a possible variance.

Persons already having access to CHRI and who are subsequently arrested and/or convicted of a crime will:

1. Have their access to CHRI suspended until the outcome of an arrest is determined and reviewed by the COLLECT CJBAU to determine if continued access is appropriate;
2. Have their access suspended indefinitely if a conviction results in a felony of any kind;
3. Have their access denied by the COLLECT CJBAU, where it is determined that access to CHRI by the person would not be in the public’s best interest.

Support personnel, contractors, and custodial workers will be denied access to CHRI. If such persons need to be in an area (s) where CHRI is maintained or processed (at rest or in transit), they will be escorted by authorized personnel or under their supervision at all times while in the area(s).

Security Check/Fingerprinting/Criminal Justice Information

CHRI Retention and Destruction (continued)

Personnel Termination

The Local Agency Security Officer (LASO) shall terminate access to CHRI immediately upon notification of an individual's termination of employment.

The Waterbury Public School District shall follow the following CHRI termination process:

1. Notification will be sent via email to the COLLECT CJBAU;
2. This is to be done within 24 hours of receiving notification of termination;
3. All keys, email accounts, and other district accounts and materials identified by the Superintendent or designee, will be obtained/disabled from the user within 24 hours.

Adverse Decisions Based on CHRI

If inclined to make an adverse decision based on an individual's CHRI, the Waterbury Public School District will take the following steps prior to making a final adverse determination:

1. Provide the individual the opportunity to complete or challenge the accuracy of his/her/their CHRI; and
2. Provide the individual with information on the process for updating, changing, or correcting CHRI.

A final adverse decision based on an individual's CHRI will not be made until the individual has been afforded a reasonable fifteen-day period (15) to correct or complete the CHRI.

Terminal Agency Coordinator (TAC)

The Waterbury Public School District TAC is responsible for the following:

1. Maintaining an updated Authorized Personnel List on file with the COLLECT CJBAU.
 - a. Ensuring everyone included on this list must undergo the appropriate level of CJIS Security Awareness Training;
 - b. Ensuring everyone included on the list has appropriate access based on job functions and a need-to-know basis.
2. Inform the COLLECT CJBAU of changes in the agency head or any relevant business information (agency name changes, mailing/physical address changes, etc.).
 - a. Contact the COLLECT CJBAU immediately to update the User Agreement and, if necessary, submit the new authorization to the COLLECT CJBAU;
 - b. Submit a TAC change form to the COLLECT CJBAU in the event of a change in roles.

Security Check/Fingerprinting/Criminal Justice Information

CHRI Retention and Destruction (continued)

Local Agency Security Officer (LASO)

The Waterbury Public School District LASO is responsible for the following:

1. Identifying who is using or accessing CHRI and/or systems with access to CHRI;
2. Ensuring that personnel security screening procedures are being followed as stated in this policy.
3. Ensuring the approved and appropriate security measures are in place and working as expected.

Storage of CHRI

CHRI shall only be stored for extended periods of time when necessary to ensure the integrity and/or utility of an individual's personnel file. Administrative, technical, and physical safeguards, which comply with the most recent COLLECT CJBAU and FBI Security Policy, have been implemented to ensure the security and confidentiality of CHRI. Each individual involved in the handling of CHRI is to become familiarized with these safeguards.

In addition to the above, each individual involved in handling CHRI will strictly adhere to the policy on its storage and destruction.

Media/Physical Protection

All media containing CHRI must be protected and secured at all times. The following is established and to be implemented to ensure the appropriate security, handling, transporting, and storage of CHRI media in all forms.

Controls shall be in place to protect electronic and physical media containing CHRI while at rest, stored, or actively being accessed. "Electronic media" includes memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card. "Physical media" includes printed documents and imagery that contain CHRI.

The District shall securely store electronic and physical media within physically secure locations or controlled areas and restrict access to electronic and physical media to only authorized individuals. If physical and personnel restrictions are not feasible, the data shall be encrypted per Section 5.10.1.2.

Security Check/Fingerprinting/Criminal Justice Information

CHRI Retention and Destruction (continued)

Physical Storage and Access

Physical CHRI media shall be securely stored within physically secured locations or controlled areas. A physically secure location is a facility or an area, a room, or a group of rooms within a facility with both the physical and personnel security controls sufficient to protect the FBI CJI and associated information systems. The perimeter of the physically secure location shall be prominently posted and separated from non-secure locations by physical controls. Access to such media is restricted to authorized personnel only and shall be secured at all times when not in use or under the supervision of an authorized individual.

Only authorized personnel will have access to physically secure non-public locations. The Superintendent or designee will maintain and keep a list of authorized personnel. Before granting access, all physical access points into the District's secure areas will be authorized. The Superintendent or designee will implement access controls and monitor physically secure areas to protect all transmission and display mediums of CJI.

Authorized personnel will take necessary steps to prevent and protect the agency from physical, logical, and electronic breaches.

Physical CHRI media:

1. Is to be stored within employee records when feasible or by itself when necessary.
2. Is to be maintained within a lockable filing cabinet, drawer, closet, office, safe, vault, or other secure container.

Electronic CHRI media:

1. Is to be stored on secure servers within a physically secure location when feasible.
2. (Include details on how electronic CHRI is secured.)

Destruction of CHRI

Disposal of Physical Media

Once physical CHRI media (paper/hard copies) is determined to be no longer needed by the District, it shall be destroyed and disposed of appropriately. Physical CHRI media shall be destroyed by cross-cut shredding or incineration. The Superintendent or designee will ensure such destruction is witnessed or carried out by authorized personnel:

1. The LASO shall witness or conduct disposal
2. Cross-cut shredding will be the method of destruction used by the District.

Security Check/Fingerprinting/Criminal Justice Information

CHRI Retention and Destruction (continued)

Destruction of CHRI

Media Sanitization and Disposal (Disposal of Electronic Media)

Once the District determines that electronic CHRI media (data stored on computers) are no longer needed, they shall be destroyed and disposed of appropriately.

The Waterbury Public School District shall choose one of the following options below to use in destruction of CHRI:

Option 1: Overwriting

Overwriting involves a program writing onto the media where the file to be sanitized is located. The NCJA will sanitize the electronic CHRI by overwriting the data at least three times before disposing of or reusing the computer/device/system on which it was stored. Overwriting the CHRI data must be completed or witnessed by authorized district personnel.

Option 2: Degaussing

Degaussing is a method to magnetically erase data from magnetic media. Two types of degaussing exist: strong magnets and electric degausses. Note that common magnets are weak and cannot effectively degauss magnetic media. The NCJA will degauss the electronic CHRI prior to disposing of or reusing the computer/device/system on which the electronic CHRI was stored. Degaussing the CHRI data must be completed or witnessed by authorized district personnel. (Degaussing means neutralizing a magnetic field to erase information from a magnetic disk or other storage device.)

Option 3: Destruction

If the computer/device on which the CHRI data is stored is no longer operational. The NCJA must physically destroy the device. Destruction of the device containing physical electronic CHRI, including printouts and other media, shall be disposed of.

Remote Access

The Superintendent or designee shall authorize, monitor, and control all methods of remote access to the information systems that can access, process, transmit, and/or store FBI CJI. Remote access means any temporary access to an agency's information system by a user or information system communicating temporarily through an external, non-district-controlled network, such as the Internet.

The District shall employ automated mechanisms to facilitate the monitoring and control of remote access methods. The Superintendent or designee shall control all remote access through managed access control points and may permit remote access for privileged functions only for compelling operational needs. However, this person shall document the rationale for such access in the security plan for the information system.

Security Check/Fingerprinting/Criminal Justice Information**CHRI Retention and Destruction (continued)****Destruction of CHRI (continued)****Remote Access (continued)**

It is prohibited to use publicly accessible computers to access, process, store, or transmit CJI. Publicly accessible computers include but are not limited to, hotel business center computers, convention center computers, public library computers, and public kiosk computers.

Personally Owned Information Systems

A personally owned information system shall not be authorized to access, process, store or transmit CJI unless the agency has established and documented the specific terms and conditions for personally owned information system usage. A personal device includes portable technology like a camera, USB flash drives, USB thumb drives, DVDs, CDs, air cards, mobile wireless devices, or any personal desktop computer. When bringing your own devices are authorized, they shall be controlled using the requirements in Section 5.13 of the CJIS Security Policy.

Disciplinary

If an individual employed by the Waterbury Public School District has misused or is currently misusing CHRI, the following requirements will be adhered to:

1. Using CHRI for any purpose other than what is allowed by state statute or Federal code is considered misuse.
2. The appropriate city entity (Human Resources or Human Capital) will determine appropriate disciplinary action.
3. Misuse of CHRI can result in loss of access to CHRI, loss of employment, and/or criminal prosecution.
4. Misuse of CHRI shall be reported to the State.

Incident Response

The security of information and systems in general, and of CHRI in particular, is a top priority for the Waterbury Public School District. Therefore, the District has established appropriate operational incident response procedures for instances of an information security breach. It is each individual's responsibility to adhere to established security guidelines and policies and to be attentive to situations and incidents that pose risks to security. Furthermore, it is each individual's responsibility to immediately report potential or actual security incidents to minimize any breach of security or loss of information.

Security Check/Fingerprinting/Criminal Justice Information

CHRI Retention and Destruction (continued)

Incident Response (continued)

The following security incident handling procedures must be followed by each individual:

1. All incidents will be reported directly to the LASO.
2. If any records are stolen, the incident will also be reported to appropriate authorities.
3. Once the cause of the breach has been determined, disciplinary measures will be taken in accordance with the disciplinary policy of the District

In addition to the above, the LASO shall report all security-related incidents to the COLLECT CJBAU within 24 hours.

All District personnel with access to FBI and/or COLLECT CJBAU CHRI have a duty to protect the system and related systems from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the information. All existing laws, District regulations, and policies apply, including those that may apply to personal conduct. Misuse or failure to secure any information resources may result in temporary or permanent restriction of all privileges up to employment termination.

The Superintendent or designee shall ensure that all staff members are aware of this policy and that those responsible for implementation and oversight receive adequate training and updates.

(cf. 4112.51/4212.51 - Employment/Reference Checks)

Legal Reference:

Connecticut General Statutes

10-221d Criminal history records checks of school personnel. Fingerprinting. Termination or dismissed. (as amended by PA 01-173, PA 04-181 and June 19 Special Session, PA 09-1, PA 11-93 and PA 16-67)

17a-101k Registry of findings of abuse or neglect of children maintained by Commissioner of Children and Families. Notice of finding of abuse or neglect of child. Appeal of finding. Hearing procedure. Appeal after hearing. Confidentiality. Regulations.

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PA 16-67 An Act Concerning the Disclosure of Certain Education Personnel Records.

PA 16-83 An Act Concerning Fair Chance Employment

Criminal Justice Information Services (CJIS) Security Plan, Version 5.8, 06/01/2019

Prepared by CJIS Information Officer Approved by CJIS Advisory Policy Board

PA 16-67 An Act Concerning the Disclosure of Certain Education Personnel Records

Criminal Justice Information Services (CJIS) Security Policy, Version 5.4, U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, October 6, 2015.

CJIS Security Policy

Title 28 C.F.R. Part 20

Policy adopted by the Waterbury Board of Education on June 15, 2017



#3+4

Narrative to Support Policy #5112
Ages of Attendance/Admissions/Placement

As the 2024 legislative session begins, there have been some comments from General Assembly members concerned with the burden placed on districts and parents required to make the necessary adjustments to comply with the new kindergarten entrance date.

Public Act No. 23-159, Section 3, as amended by Public Act 23-208, Section 1, requires that in order to enroll in kindergarten, children must turn five years old on or before September 1 of the school year. In addition, parents of children who are not five years old on or before September 1 may be admitted upon written request to the school principal. Once the waiver request is received, the principal and an appropriate certified staff member would need to conduct an assessment of the child to ensure that admitting the child to kindergarten is developmentally appropriate.

While CABE will continue to monitor the work of the General Assembly through this session, for now the policy department has taken this opportunity to combine policies related to age of attendance, admissions, and placement under Policy 5112. In addition, we've added a summary that helps readers understand what is required of parents and students regarding the referenced cut-off ages. Policy 5112 also provides relevant forms for district consideration.

Students

5111(a)

Admission

The Board of Education (Board) recognizes the statutory right of children residing in the District to be enrolled in school if residency and age are confirmed. However, homeless students shall not be required to show residency.

In accordance with Connecticut General Statute 10-186, the Board of Education shall provide education for all persons, residing in the District, five years of age and over, who reach age five on or before the first day of September (effective July 1, 2024) of any school year, and under twenty-one (age twenty-two for special education students) who is not a graduate of a high school or vocational school, except as provided in Connecticut General Statutes 10-233c and 10-233d. District schools shall be open to all children five years of age and over who reside in the district and reach the age five on or before the first day of January of any school year. Each such child shall have, and shall be so advised by the appropriate school authorities, an equal opportunity to participate in the program and activities of the school system without discrimination on account of race, color, sex, religion, national origin, sexual orientation, or gender identity or expression. Students who are classified as homeless under federal law or an unaccompanied youth, as described in 42 USC 11434a, and therefore do not have a fixed residence, will be admitted pursuant to federal law and policy 5118.1.

The parent or person having legal guardianship of a child five years of age shall have the option of not sending the child to school until the child is six years of age by December 31st of any school year. The parent or person having legal guardianship of a child six years of age shall have the option of not sending the child to school until the child is seven years of age by December 31st of any school year. The parent or person with legal guardianship of a child five years of age shall have the option of not sending the child to school until the child is six years of age. The parent or person with legal guardianship a child six years of age shall have the option of not sending the child to school until the child is seven years of age.

The parent or person with legal guardianship shall exercise such option by personally appearing at the school district office and signing an option form. The district shall provide the parent or person with legal guardianship with information on the educational opportunities available in the school system.

All resident children under the age of twenty-one who have not obtained a high school diploma are entitled to attend a District school. The parent or person with legal guardianship of any child who is denied admission to the district's schools, or an unaccompanied minor, a student eighteen years of age or older, a homeless child or youth or an unaccompanied youth who is denied schooling on the basis of residency, or an agent or officer charged with the enforcement of the laws concerning attendance at school may request, in writing, a hearing by the Board of Education.

According to Connecticut General Statute 10-76d (b2), special education will be provided for children who have attained the age of three and who have been identified as being in need of special education, and whose educational potential will be irreparably diminished without special education. If a special education student is being considered for an exception, the Planning and Placement Team (PPT) will make a recommendation to the administrator in charge of special education.

Admission, continued

Each child entering the district schools for the first time must present a birth certificate or offer legal evidence of birth data, as well as proof of a recent physical examination and required immunizations. Other documents that may be accepted as proof of a child's age include, but are not limited to, a photocopy of a birth certificate, earlier school records, state-issued identification document, driver's license or passport, parent's affidavit or unsworn statement as to a child's age, physician's certificate verifying a child's age or immunization records.

Completion of immunization and health assessment requirements are required prior to a child's attendance in school, but are not considered as pre-requisites for enrolling a child who resides in the District and is of appropriate age to attend school. If the parents or guardians of any children are unable to pay for such immunizations, the expense of such immunizations shall, on the recommendation of the Board, be paid by the town. A school district may not deny enrollment of a child if his/her parent/guardian refuses to provide a social security number.

The above requirements are not to serve as barriers to immediate enrollment of students, designated as homeless or foster children as required by the Every Student Succeeds Act (ESSA) and the McKinney-Vento Act as amended by the ESSA. The District shall work with the local child welfare agency, the school last attended, or other relevant agencies to obtain necessary enrollment documentation.

The enrollment process shall be focused on obtaining only the information deemed necessary to establish residency and age. The District shall not request other information as a condition of enrollment or state in its policies or on its websites or otherwise, that other information is required to enroll children. The District shall immediately enroll a homeless child and allow such student to attend school even if the student is unable to produce records normally required for enrollment. Additional data collection may occur, but it must be complete in such a manner that does not interfere with the enrollment of a child in school.

The District, when determining residency, shall not request documentation for citizenship or immigration status of a child or the child's parents/guardians. The Board believes such documentation is not relevant to establishing residency.

In the establishment of residency, the Board will accept such documentation, but not limited to, a lease agreement, mortgage document, property tax record, rent receipt, home owners insurance, rental insurance, current utility bill, current proof of government benefits, CT driver's license automobile registration or insurance. An Affidavit of Residence, properly executed, shall also be acceptable.

In order to determine a child's eligibility for ESL or bilingual programs, parents/guardians of all new students enrolling for the first time and all re-enrolling students who have previously attended a Connecticut public school must complete a Home Language Survey (HLS) at the time of enrollment. A student may also take a screening exam. Neither the survey nor the exam are conditions of enrollment.

Any child entering or returning to the district from placement in a juvenile detention school, the Connecticut Juvenile Training School, or any other residential placement, shall have the educational records of such child provided to the Superintendent of Schools by the Department

Admission, continued

of Children and Families (DCF) and the Judicial Department. Such information will be shared with the Principal of the school to which the student is assigned. The Principal can disclose them to the staff who teach or care for the child.

The District will immediately enroll any student who transfers from Unified District No. 1 or Unified District No 2. A student transferring from the Unified School Districts who had previously attended school in the local District shall be enrolled in the school such student previously attended, provided such school has the appropriate grade level for the student.

The parent or person with legal guardianship of a child seventeen years of age may consent to such child's withdrawal from school. The parent or person with legal guardianship of a child seventeen years of age shall exercise this option by personally appearing at the school district office to sign a withdrawal form. Such withdrawal form shall include an attestation from a school administrator of the school that the district has provided the parent or person with information on the educational options available in the school system and in the community.

Children who have attained the age of seventeen and who have terminated enrollment in the district's schools with parental permission as described previously and subsequently seeks readmission may be denied readmission for up to ninety school days from the date of such termination, unless such child seeks readmission to a district school not later than ten days after such termination. In such case the child will be provided school accommodations not later than three days after the requested readmission.

Note: *When a student is enrolling in a new school district or new state charter school, written notification of such enrollment shall be provided to the previous school district or charter school not later than two business days after the student enrolls.*

Children who apply for initial admission to the district's schools by transfer from nonpublic schools or from schools outside the district will be placed at the grade they would have reached elsewhere pending assessment and evaluation by building staff. After such assessments and evaluations have been completed, the District will determine the final grade placement of the child(ren).

Children who have attained the age of nineteen or older may be placed in an alternative school program or other suitable educational program if they cannot acquire a sufficient number of credits for graduation by age twenty-one.

(cf. 0521 - Nondiscrimination)
(cf. 5118.1 - Homeless Students)
(cf. 6171 - Special Education)

(cf. 5112 - Ages of Attendance)
(cf. 5141 - Student Health Services)
(cf. 6146 - Graduation Requirements)

Admission, continued

Legal Reference: Connecticut General Statutes
4-176e to 4-180a Agency hearings.
4-181a Contested cases. Reconsideration. Modifications.
10-15 Towns to maintain schools
10-15c Discrimination in public schools prohibited. School attendance by five-year olds, as amended by PA 97-247.
10-76a - 10-76g re special education.
10-184 Duties of parents (re mandatory schooling for children ages five to sixteen, inclusive) - as amended by PA 98-243, PA 00-157 and PA 09-6 (September Special Session) and PA 18-15.
10-186 Duties of local and regional boards of education re school attendance. Hearings. Appeals to state board. Establishment of hearing board. Readmission, (as amended by P.A. 19-179)
10-220h Transfer of student records, as amended.
P.A. 11-115 An Act Concerning Juvenile Reentry and Education.
P.A. 19-179 An Act Concerning Homeless Students' Access to Education.
10-233a - 10-233f Inclusive; re: suspend, expel, removal of pupils.
10-233c Suspension of pupils.
10-233d Expulsion of pupils.
10-233k Notification of school officials of potentially dangerous students. (as amended by PA 01-176)
10-261 Definitions.
State Board of Education Regulations
10-76a-1 General definitions (c) (d) (q) (t)
10-76d-7 Admission of student requiring special education (referral)
10-204a Required immunizations (as amended by PA 98-243)
"Guidance for Connecticut School Districts: Enrollment Process and Practice," State Department of Education, December 2019.
McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 et seq.
Plyler vs. Doe, 457 U.S. 202 (1982)

Ages of Attendance

In accordance with Connecticut General Statute 10-186, the Board of Education shall provide education for all persons, residing in the District, five years of age and over, who reach age five on or before the first day of September (effective July 1, 2024) of any school year, and under twenty-one (age twenty-two for special education students) who is not a graduate of a high school or vocational school, except as provided in Connecticut General Statutes 10-233c and 10-233d. District schools shall be open to all children five years of age and over who reside in the district and reach the age of five by December 31st of any school year. Each such child shall have, and shall be so advised by the appropriate school authorities, an equal opportunity to participate in the program and activities of the school system without discrimination on account of race, color, sex, religion, national origin sexual orientation, or gender identity or expression.

Parents and those who have the care of children age five to eighteen years of age inclusive are obligated by Connecticut law to require their children to attend public day school or its equivalent in the district in which such child resides, unless such child is a high school graduate or the parent or person having control of such child is able to show that the child is elsewhere receiving equivalent instruction in the studies taught in the public schools. Students under age eighteen are subject to mandatory attendance laws unless they are at least seventeen and their parent/guardian, or other person having guardianship of the child, consents to such child's removal from school. The parent or person shall exercise this option by personally appearing at the school to sign a withdrawal form. Such withdrawal form shall include an attestation from a school counselor or school administrator of the school that the district has provided the parent or person with information on the educational options available in the school system and in the community. If a child is eighteen years of age or older, he/she is not required to attend school.

The enrollment process shall be focused on obtaining only the information deemed necessary to establish residency and age. The District shall not request other information as a condition of enrollment or state in its policies or on its websites or otherwise, that other information is required to enroll children. The District shall immediately enroll a homeless child and allow such student to attend school even if the student is unable to produced records normally required for enrollment. Additional data collection may occur, but it must be complete in such a manner that does not interfere with the enrollment of a child in school.

The District, when determining residency, shall not request documentation of citizenship or immigration status of a child or the child's parents/guardians. The Board believes such documentation is not relevant to establishing residency.

In the establishment of residency, the Board will accept such documentation as, but not limited to, a lease agreement, mortgage document, property tax record rent receipt, home owners insurance, rental insurance, current utility bill, current proof of government benefits, CT driver's license, automobile registration or insurance. An Affidavit of Residence, properly executed, shall also be acceptable.

For purposes of establishing the residency of a child whose legal guardian is a member of the armed forces, as defined in C.G.S. 27-103, and who is seeking enrollment in a district school, in which such child is not yet a resident, the Board shall accept the military orders directing such member to Connecticut or any other documents from the armed forces indicating the transfer of such member to Connecticut as proof of residency in the district.

Ages of Attendance, continued

~~The parent or person having legal guardianship of a child five years of age shall have the option of not sending the child to school until the child is six years of age by September 1st of any school year. The parent or person having legal guardianship of a child six years of age shall have the option of not sending the child to school until the child is seven years of age by December 31st of any school year.~~ The parent or person having legal guardianship of a child five years of age shall have the option of not sending the child to school until the child is six years of age by December 31st of any school year. The parent or person having legal guardianship of a child six years of age shall have the option of not sending the child to school until the child is seven years of age by December 31st of any school year. The parent or person having legal guardianship shall exercise such option by personally appearing at the school district office and signing an option form. The district shall provide the parent or person having legal guardianship with information on the educational opportunities available in the school system.

Each child entering the district schools for the first time must present a birth certificate or offer legal evidence of birth data, as well as proof of a recent physical examination and required immunizations. Proof of domicile will also be requested.

The above requirements are not to serve as barriers to immediate enrollment of students, designated as homeless or foster children as required by the Every Student Succeeds Act (ESSA) and the McKinney-Vento Act as amended by the ESSA. The District shall work with the local child welfare agency, the school last attended, or other relevant agencies to obtain necessary enrollment documentation. The District shall immediately enroll a homeless student and allow such student to attend school even if the student is unable to produce records normally required for enrollment.

The parent/guardian of any child who is denied admission to school, or an emancipated minor, a student eighteen years of age or older, a homeless child or youth, or an unaccompanied youth who is denied schooling, or an agent or officer charged with the enforcement of attendance laws may request, in writing, a hearing by the Board of Education. Such hearing may be conducted by the entire Board of Education, or by a subcommittee of three Board members, or by a local impartial hearing Board of one or more persons not members of the Board of Education.

Children who have attained the age of seventeen and who have voluntarily terminated enrollment in the district's schools and subsequently seek readmission may be denied readmission for up to ninety school days from the date of such termination, unless such child seeks readmission to the District not later than ten (10) school days after such termination in which case the Board shall provide school accommodations to such child not later than three school days after such child seeks readmission.

Early Admission

Parents/guardians must make a formal request for early admission no later than ~~June 1~~ May 1st of the calendar year in which the child would be admitted to the school. Since research on early admission to kindergarten has demonstrated that it is a "high risk" decision, only those children who have attained their ~~fourth-fifth~~ birthday between ~~January 1st~~ September 2nd and ~~June 30th~~ December 31st will be considered for early admission. The student being considered for early admission must exhibit evidence of advanced (typically two standard deviations above the mean) intelligence and adaptive behavior from a standardized assessment administered in the district.

Ages of Attendance, continued

Such testing shall guide the Superintendent or his/her designee in the acceptance or rejection of the request. The programmatic decision of the Superintendent or his/her designee in such instances shall be final.

Provisions for Special Education

According to Connecticut General Statute 1-76d(b2), special education will be provided for children who have attained the age of three and who have been identified as being in need of special education, and whose educational potential will be irreparably diminished without special education. If a special education student is being considered for an exception, the Planning and Placement Team (PPT) will make a recommendation to the administrator in charge of special education.

Alternative School Placement

Children who have attained the age of nineteen or older may be placed in an alternative school program or other suitable educational program if they cannot acquire a sufficient number of credits for graduation by age twenty-one.

(cf. 5111 – Admission Placement) (cf. 5118.1 – Homeless Students) (cf. 5118.3 – Children in Foster Care)
(cf. 5112 – Ages of Attendance) (cf. 6146 – Graduation Requirements)

Legal Reference:

Connecticut General Statutes
4-176e to 4-180a Agency hearings.
4-181a Contested cases. Reconsideration. Modifications.
10-15 Towns to maintain schools.
10-15c Discrimination in public schools prohibited. School attendance by five-year-olds.
10-76a - 10-76g re special education.
10-184 Duties of parents (re mandatory schooling for children ages five to sixteen, inclusive) as amended by PA 98-243, PA 00-157, PA 09-6 (September Special Session) and PA 18-15.
10-186 Duties of local and regional boards of education re school attendance. Hearings. (Amended by PA 19-179 An Act Concerning
Appeals to State Board. Establishment of hearing board.
21-86 An act Concerning the Enrollment of Children of Members of the Armed Forces in Public Schools and the Establishment of a Purple Star School Program
10-233a - 10-233f Inclusive; re: suspend, expel, removal of pupils.
10-233c Suspension of pupils.
10-233d Expulsion of pupils.
10-261 Definitions.
State Board of Education Regulations
10-76a-1 General definitions (c) (d) (q) (t)
10-76d-7 Admission of student requiring special education (referral)
[P.A. 19-179 An Act Concerning Homeless Students' Access to Education](#)
["Guidance for Connecticut School Districts: Enrollment Process and Practice," State Department of Education, December 2019.](#)
[P.A. 21-86 An Act Concerning the Enrollment of Children of Members of the Armed Forces in Public Schools and the Establishment of a Purple Star School Program](#)
10-204a Required immunizations (as amended by PA 98-243)

Ages of Attendance, continued

McKinney-Vento Homeless Assistance Act (PL 107-110 Sec. 1032) 42 U.S.C. §11431-11435, as amended by the ESSA, P.L. 114-95

Federal Register: McKinney-Vento Education for Homeless Children & Youths Program, Vol. 81 No. 52, 3/17/2016.

Policy adopted by the Waterbury Board of Education on September 6, 2012,
revised on March 26, 2020, and revised on December 16, 2021



FAFSA Completion Program

The Board of Education (Board) recognizes that college, for many students, continues to be an important pathway that helps to provide students with the necessary skills for work and for lifelong learning. In addition, research has indicated the students who complete the Free Application for Federal Student Aid (FAFSA) are more likely to attend college with financial aid.

In compliance with Public Act 23-204 sections 319-320, beginning with classes graduating in 2025, graduating students must have completed a Free Application for Federal Student Aid (FAFSA), completed and submitted to a public institution of higher education an application for institutional financial aid for students without legal immigration status, or completed a waiver, on a form prescribed by the Connecticut State Department of Education (CSDE) signed by the student's parent/legal guardian or by the student if 18 years of age or older.

A principal, school counselor, teacher, or other certified educator may complete the waiver on behalf of any student if the certified educator affirms that they have made a good faith effort to contact the parent/legal guardian or student about the completion of the application.

Many Connecticut students, eligible for college, fail to complete the FAFSA each year, resulting in the loss of funds that could help support their postsecondary education.

The Board acknowledges that Connecticut has, for eligible school districts, implemented a FAFSA Completion Challenge (Challenge). This Challenge is based on the premise that FAFSA completion is strongly associated with postsecondary enrollment and outcomes. Students who complete the FAFSA, in greater numbers, attend college directly from high school in comparison to non-completers.

Note: The statewide FAFSA Challenge is a partnership between the State Department of Education (SDE) and the Connecticut College and Career Readiness Alliance. This partnership aims to strengthen postsecondary access and enrollment by raising FAFSA completion rates among high school seniors.

Therefore, the Board, through this policy, sets as a goal a District initiative to improve the completion rates for FAFSA among grade 12 students and students in District adult education programs. This goal aims to strengthen District efforts to improve postsecondary enrollment and student outcomes and to make it easier for students to attend postsecondary education.

The Superintendent and/or designee will initiate new strategies to increase yearly student FAFSA completion rates. The Board may accept gifts, grants, and donations, including in-kind donations, to implement this policy.

As a currently SDE designated alliance district, the Board will add to the list of goals that it includes in its application to the Commissioner of Education for alliance district funds the goal of implementing its policy to improve FAFSA completion rates by grade 12 and for adult education students.

As required, the Board will publish and make available on the District website the annual

FAFSA student completion rate for the graduating class of each high school within the District.

Legal Reference: Connecticut General Statutes
P. A. 21-199 An Act Concerning Various Revisions and Additions to the
Statutes Relating to Education and Workforce Development, Sect. 6, 7, 8.

[Public Act 23-204 An Act Concerning the State Budget for the Biennium
Ending June 30, 2025, and Making Appropriations Therefor, And Provisions
Related to Revenue and Other Items Implementing the State Budget
Sections 319-320](#)

Policy adopted by the Waterbury Board of Education on June 15, 2022





#6

Narrative to Support Policy #5141.5 Suicide Prevention and Intervention

Recently updated February 2023 to provide language to make the 988 crisis line widely available in schools, this update includes specific risk factors related to youth suicide developed by the Connecticut Suicide Advisory Board.

It's also important to note that while CABE has listed policy 5141.5 as a "mandated" policy, it wasn't required by the general assembly for boards of education to include such policy in their policy manuals. However, Sections 79-80 of Public Act No. 23-167 states, "Each local and regional board of education shall adopt a written policy and procedures for dealing with youth suicide prevention and youth suicide attempts."

CABE will continue listing policy 5145.5 and the associated regulations under its "Mandated Policies." The updated policy specifically reflects the language in the Public Act.

While policy 5141.5 language has been updated to comply with Public Act No. 23-167, Sections 79-80, CABE's model regulations remain relevant and support the policy changes.

Students**5141.5****Suicide Prevention and Intervention**

The Board of Education recognizes that suicide is a complex issue and that, while the school may recognize a potentially suicidal youth, it cannot make a clinical assessment of risk and provide in-depth counseling. Instead, the Board directs school staff to refer students who may be at risk of attempting suicide to an appropriate service for assessment and counseling.

The Board of Education recognizes the need for youth suicide prevention procedures and will establish program(s) to identify risk factors for youth suicide, [an assessment to determine risk](#), procedures to intervene with such youth, referral services and training for teachers, other school professionals and students to provide assistance in these programs.

Any school employee who may have knowledge of a suicide threat must take the proper steps to report this information to the building Principal or his/her designee who will, in turn, notify the appropriate school officials, the student's family and appropriate resource services.

[In addition, information regarding the 988 crisis line should be made widely available in schools and district offices. Text should note to call 988 if you are in emotional distress and/or you are having suicidal ideations. It should also include that by calling 988, you will be provided with support and connected to resources if needed.](#)

[Information concerning a student's suicide attempt, threat, or risk will be shared with others to the degree necessary to protect that student and others.](#)

Legal Reference: Connecticut General Statutes
10-221(e) Boards of education to prescribe rules.

School Visitors Policy

The Waterbury Board of Education and staff welcome and strongly encourage parents/guardians, members of the community, and other interested persons to visit the schools. It is imperative to insure a safe and appropriate learning environment for our students.

The Superintendent of Schools shall establish regulations to:

1. Encourage school visitations.
2. Provide for appropriate hospitality for visitors.
3. Set forth District procedures and to require visitors and school personnel to follow those procedures.
4. Ensure that such visits will enhance educational programs and ensure student safety.

All school visitors shall register in the Main Office and may be accompanied by staff throughout their visit. Staff members should be alert for unauthorized visitors and report their presence to the Principal immediately should there be concerns about whether visitors may be unauthorized visitors.

Parents and community members are welcome to attend interscholastic athletic events and school sponsored student presentations or plays as well as any other Waterbury Board of Education sanctioned programs. However, it is the responsibility of the visitor to remain in the area of the activity and not to move about the building where classes or maintenance activities may be disrupted.

Any person who does not adhere to Board policies and procedures that pertain to school visitation, or is without appropriate reason or responsibility for student supervision, may be considered loitering on school grounds. A person is guilty of loitering on school grounds when he/she loiters or remains in or about a school building, or grounds, without a reason or relationship involving custody of, or responsibility for, a student or any other license or privilege to be there.

Legal Reference:

Connecticut General Statutes Section 53a-185: Loitering on school grounds, Class C misdemeanor

Policy adopted by the Waterbury Board of Education on July 31, 2013

School Visitors Regulations

Waterbury Public Schools, in an effort to encourage visitors to its schools while at the same time maintaining the students' and staffs' safety, privacy and security, and minimizing disruptions to educational programming, sets forth the following procedure to be followed for school visitors.

1. Any visitor who is not a District or City employee on official business, a State or Federal employee on official business, Board of Education Commissioner, or a student enrolled in the school, will be termed a "visitor" under Board Policy and is subject to the procedures set forth below. A visitor does not include those who attend a scheduled activity occurring on school grounds that is open to the general public.
2. Any visitor, as defined above, who wishes to visit a school building, and/or observe any instructional student program, including teaching and learning inside a classroom, must obtain prior written approval from the principal or other designated administrator, at least twenty-four (24) hours prior to the visit. Such requests ~~Requests to observe a class~~ shall be granted, unless, in the opinion of the principal or other designated administrator, the such request(s) observation is not reasonable or would be disruptive to the educational process.
3. All visitors must directly report to the Main Office upon arrival, provide identification which will be kept by school staff during the visit (along with a photocopy to be kept in the student's cumulative file), and sign in where designated. Identification will be issued to the visitor which must be displayed at all times during the visit.
4. All visitors must provide to the principal or duly authorized administrator the reason for their visit, where the visit will take place and the anticipated length of the visit. Visitor meetings must take place in an administrative area designated by the principal or his/her designee unless otherwise agreed to by the principal or duly authorized administrator.
5. In the discretion of the principal or duly authorized administrator, any visitor may be required to submit to a background check and a sexual offender registry check in order to gain access into the school.
6. An escort for the visitor may be required by the principal or duly authorized administrator.
7. No visitor, except a law enforcement officer duly authorized by the Waterbury Police Department, and/or designated under State Statute 53a-217b (as amended by P.A. 16-55) is allowed to bring a weapon of any kind into any school in the District or on school grounds. Legal ref: 53a-217b Possession of a weapon on school grounds: Class D felony (as amended by P.A. 16-55).
8. In order to safeguard student privacy rights, no videotaping, photography or use of recording devices or electronic equipment including phones, is allowed by the visitor during the visit unless prior permission is given by the Superintendent and appropriate prior written consent of the student is obtained.
9. Visitors must follow all school rules and administrative directives and minimize disruptions of the school's learning environment. Visitors must not disturb the students, teachers or interrupt classes in any way.

School Visitors Regulations, continued

10. If a Visitor fails to abide by these procedures, school rules and administrative directives, the visitor will be asked to leave the premises or be subject to referral to the authorities and possibly precluded from future visits in the discretion of the principal or duly authorized administrator.
11. Visitors are on notice that they are subject to whatever surveillance exists at the school during their school visit.
12. An unauthorized visitor shall be guilty of loitering on school grounds when he/she loiters, or remains in or about a school building or grounds, without a reason or relationship involving the custody of, or responsibility for, a student, or for any other authorized activity, license, or privilege to be there.
13. The administration is authorized to file a trespassing complaint with the Waterbury Police Department, when appropriate or applicable.



Legal Reference:

Connecticut General Statutes

53a-185 loitering in or about school grounds, Class C misdemeanor 7-148c7 (F)

53a-217b Possession of a weapon on school grounds: Class D felony. (as amended by P.A. 16-55)

P.A.16-55 An Act Concerning Recommendations by the Department of Motor Vehicles Regarding Hazardous Materials, Car Dealers, Student Transportation Vehicle Operators, Diversion Programs and Motor Vehicle Inspectors.

Electronic Device

The Waterbury Board of Education is committed to maintaining a safe and productive learning environment that provides each student with an atmosphere free of disruptions.

Students may possess personal technological devices on school property and/or during school-sponsored activities per the mandates of this policy and any applicable administrative regulations as may be developed by the Superintendent of Schools.

A. Definitions

For the purposes of this policy, "District-Issued Technology" refers to computers and instructional technologies; communications and data management systems; informational technologies and the Internet; and any other technology resources owned and/or used by the school district and accessible by students including "Personal Technology" pouches.

For the purposes of this policy, "Personal Technology" refers to privately owned wireless and/or portable electronic hand-held equipment that can be used for word processing, wireless Internet access, image capture and recording, gaming, sound recording, information transmitting and/or receiving or storing information or data, etc. In addition, "Personal Technology" refers to Bluetooth devices and wearable technology, such as, but not limited to, iPads, tablets, smartwatches, gaming devices, and AirPods.

B. Responsibility for "Personal Technology" Devices

Students are responsible for the safety and use of their "Personal Technology." If "Personal Technology" is stolen, lost, or damaged, a report should be made to the building principal or designee, who will investigate the loss in a manner consistent with procedures for stolen or damaged personal property. Students and parents should be aware that the Board is not liable for any "Personal Technology" stolen, lost, or damaged while at school or during a school-sponsored activity. Therefore, students are advised not to share or loan their "Personal Technology" with other students.

C. Use of "Personal Technology" Devices

Except to the extent required by a student's Individualized Educational Plan or 504 plan and/or for other reasons approved by the building principal, all students are prohibited from using "Personal Technology" during the school day and are subject to disciplinary action outlined in (D) of this policy.

In addition, the following rules apply specifically to student use of cell phones during the school day:

1. Students in grades 6-12 may bring "Personal Technology" to school but must ensure that it is turned off, in Airplane mode, or silenced. When entering the school, "Personal Technology" must be locked in a district-issued "Personal Technology" pouch and kept there the entire school day. Students will unlock their district-issued pouch at dismissal.

2. Students in grades PK-5 may bring “Personal Technology” to school but must ensure that it is turned off, in Airplane mode, or silenced. “Personal Technology” must remain completely out of view for the entire school day and cannot be used at any time.

D. Disciplinary Action*

Misuse of “Personal Technology” in an inappropriate or prohibited manner and/or using such devices in any manner inconsistent with this policy will result in disciplinary action as outlined in the most current student handbook under the section entitled “Personal Technology.”

Disciplinary action will follow a tiered approach.

At each tier, the administrator or designee will review the policy with the student, inform parents/guardians, and document the offense.

If a student loses or damages the district-issued “Personal Technology” pouch, the student must acquire a new one from the school following the guidelines outlined in the most current student handbook.

*Administrators have flexibility with consequences for students who fall under DCF Care, McKinney-Vento, and similar circumstances.

~~The Waterbury Board of Education is committed to maintaining a safe and productive learning environment that provides each student with an atmosphere that is free of disruptions.~~

- ~~1. The use of electronic devices during the academic day disrupts and interferes with the educational process and will not be tolerated. Students will be subject to disciplinary procedures and confiscation of the device if it is either visible and/or used during regular school hours. Parents, upon appearing at school, will be given the confiscated devices on all second offenses.~~
- ~~2. Disciplinary action will be taken against any student for using a cellular telephone, iPod, beepers, walk-man type player, laser pens and any other types of electronic device that is otherwise not banned by this policy, in any manner that disrupts the educational environment.~~
- ~~3. In no case will any personal communication device be allowed that provides for a wireless, unfiltered connection to the Internet or which has the capability to take photographs or any kind. The sending, sharing, viewing, or possessing pictures, e-mails, or other material of a sexual nature in electronic or any other form on a cell phone or other electronic device is prohibited in the school setting and is subject to disciplinary action.~~

High School and Middle School:

- ~~1st offense:~~ Confiscate, warning and notify parent, return to student at the end of the school day.
- ~~2nd offense:~~ Confiscate, in school suspension or after school detention, item to be returned to —parent/legal guardian only at the end of the school day.
- ~~3rd offense:~~ Confiscate, out of school suspension, item to be returned to parent/legal guardian only at the end of the school day.

Elementary School:

- ~~1st offense:~~ Confiscate, warning and notify parent, return to student at the end of the school day.
- ~~2nd offense:~~ Confiscate, warning and/or probation, item to be returned to parent/legal —guardian only at the end of the school day.

~~3rd offense: Confiscate, out of school suspension or in school suspension if available, item to be returned to parent/legal guardian only at the end of the school day.~~

Legal Reference:

Connecticut General Statutes (P.A. 95-304, S.8, 9; P.A. 96-108, S. 1, 3)

History: P.A. 95-304 effective July 1, 1995; P.A. 96-108 designated the existing

Sec. Subsec (a) and added Subsec (b) re cellular mobile telephones, effective July 1, 1996

Policy adopted by the Waterbury Board of Education on July 26, 2012

Discipline/Student Conduct Policy***STUDENT CONDUCT***

It is a privilege to be a part of the Waterbury School System. We expect all students to observe the basic rules for maintaining order and decorum while in the educational environment. The adherence to the rules and expectations will encourage the development of good citizenship skills throughout the lives of our students. The Waterbury School System will provide opportunities for all students to maximize their skills and talents in an atmosphere where teaching and learning flourish under the never-wavering belief that all students can be exemplary. The articles and behavioral expectations are set forth for all members of the Waterbury School System.

These expectations include:

- Norms, values, and expectations that support people feeling socially, emotionally, physically and intellectually safe
- Members of the school community are engaged and respected
- Students, families and educators work together to develop, live and contribute to a shared school vision
- Educators model and nurture attitudes that emphasize the benefits and satisfaction gained from learning
- Each person contributes to the operations of the school and the care of its social, emotional, intellectual and physical environment

National School Climate Standards

The Waterbury Public School System is committed to providing the best possible education in the best possible environment for all of its students in an effort to fulfill this commitment, the Waterbury Public Schools have integrated the Positive Behavioral Interventions and Support (PBIS) program as a framework to further develop positive school climates and positive relationships throughout the district. PBIS reinforces the National School Climate Standards.

The Board of Education supports the utilization of progressive discipline.

The development of good discipline practices is the concern of all persons involved in the education of youth. To this end, thoughtful and patient effort is required in order to reach pupils in a way which will help and guide them in achieving self-discipline. Such measures may involve, but are not limited to interventions, restorative measures, removal, suspension, or expulsion. Whatever measure is employed, it must always be fair, dignified, and consistent.

Inquiries and complaints concerning the applicability of the aforementioned laws and regulations may be referred to:

U.S. Department of Education
Office for Civil Rights (OCR)
Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: 800-421-3481
FAX: 202-453-6012; TDD: 877-521-2172
Email: OCR@ed.gov

Discipline/Student Conduct Policy, continued**ARTICLE 1
EXCLUSION FROM SCHOOL FOR DISCIPLINARY PURPOSES*****SECTION 1*****1. Definitions**

- a. "Exclusion" means any denial of public school privileges to a pupil for disciplinary purposes.
- b. "Removal" means an exclusion from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond ninety minutes.
- c. "Suspension" means an exclusion from school privileges for no more than ten (10) consecutive school days, provided such exclusion shall not extend beyond the end of the school year in which such suspension was imposed. Suspensions pursuant to this policy shall be in-school suspensions except (1) for students in grades three (3) to twelve (12), inclusive, if, (A) the administration determines that the pupil being suspended poses such a danger to persons or property or such a disruption of the education process that the pupil shall be excluded from school during the period of suspension or (B) the administration determines that an out of school suspension is appropriate for such pupil based on evidence of (i) previous disciplinary problems that have led to suspensions or expulsion of such pupil and (ii) efforts by the administration to address such disciplinary problems through means other than out of school suspensions including positive behavior support strategies or (2) for grades preschool to grade two (2), inclusive, if during the hearing held, the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence that such pupil's conduct on school grounds is of a violent or sexual nature that endangers persons.
- d. "Expulsion" means an exclusion from school privileges for more than ten consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such pupil was assigned at the time such disciplinary action was taken, provided such expulsion shall not extend beyond a period of one calendar year (12 consecutive months). Such period of exclusion may extend to the school year following the school year in which such exclusion was imposed.
- e. "Emergency" means a situation under which the continued presence of the pupil in school poses such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such pupil as possible.
- f. "Probation" means a warning which has an automatic penalty if offense is repeated.
- g. "School" means any school under the direction of the Board of Education.
- h. "Off-campus behavior" means behavior off school grounds which violates school policy and is seriously disruptive to the educational process.

SECTION 2**1. Removal**

- a. The Board of Education authorizes teachers, with the approval of the building principal, or his/her designee, to remove a pupil, except those students covered under Article 6 below, from class when such pupil deliberately causes a serious disruption of the educational process within the classroom, provided no pupil shall be removed from class more than six times in any year nor more than twice in one week unless such pupil is granted an informal hearing by the building principal or his/her designee in accordance with the provisions below.

Discipline/Student Conduct Policy, continued

- b. Whenever any teacher removes a pupil from the classroom, such teacher shall send him/her to an area designated by the building principal with a designated staff member to supervise, and send the name of the pupil against whom such disciplinary action was taken and the reason therefore to the principal.
 - c. Each teacher shall maintain an individual pupil log of interventions in accordance with the designated form. The teacher shall provide the original copy of such log to the building principal when referring a pupil for disciplinary action. This log will be provided for disciplinary action in accordance with the designated form. If removal from a classroom does not result in disposition of the disciplinary case within ninety minutes, the building principal must consider the case a suspension and follow procedures in Section 4 following. (Maintenance of logs is required by the Office of Civil Rights.)
2. **Notification** – Parents shall be notified in order to solicit their cooperation in an effort to alter the student's behavioral pattern before more serious problems develop which will require disciplinary action at the suspension level.
- a. By telephone, the principal or designee may make attempts to immediately notify the parent or guardian of the student about the removal and state the cause(s) which led to the removal.
 - b. Whether or not telephone contact is made with the parent or guardian, the principal or designee shall forward a letter to such parent or guardian to the most current address within one school day of the removal action and offer the parent or guardian an opportunity for a conference to discuss same. All notices, written and/or oral, required by this policy shall be in English or in the primary language of the home if fluency in English is limited.
 - c. If a student is eighteen years of age or older, any notice required by this policy shall also be given to the student.
 - d. The principal or designee shall maintain a file of removal reports and copies shall be sent to the school counselor and one will be placed in the student's permanent record file.

3. **Chronic Behavior Problems**

Referral to Planning and Placement Team

Each board of education shall accept and process referrals from appropriate school personnel, as well as from a child's parents; or from a physician, clinic or social worker, provided the parent so permits, in order to determine a child's eligibility for special education and related services. A board of education shall make available a standard referral form which shall be used in all referrals. Before a child is referred to a planning and placement team, alternative procedures and programs in regular education shall be explored and, where appropriate, implemented. Provision shall be made for the prompt referral to a planning and placement team of all children who have been suspended repeatedly or whose behavior, attendance or progress in school is considered unsatisfactory or at a marginal level of acceptance. (Effective September 1, 1980) See Conn State Reg.10-76d 7.

Discipline/Student Conduct Policy, continued

A process shall be developed by the building principal or Building Intervention Team, to systematically review all discipline and suspension records on a quarterly basis and begin the referral process (i.e., for any student whose behavior problems could be described as chronic or excessive).

SECTION 3
IN-SCHOOL SUSPENSION ROOM PROCEDURES

1. A student must report on time after homeroom with all assignments, or an additional day of In-school suspension may be assigned.
2. A student is required to follow all rules for In-school suspension and stay on task at all times. The In-school suspension room instructor will review the In-school suspension rules and the In-school suspension rubric and score sheet with the student at the commencement of the first day of In-school suspension.
3. A student must complete the character education assignment given them by the In-school teacher in the first period and all other assigned work must be completed satisfactorily.
4. A student who fails to follow In-school suspension rules and procedures may result in additional time in the In-school room or other consequence.
5. The in-school suspension room instructor shall follow the district wide model for In-school suspensions and may assign additional classroom work to the student when appropriate.
6. In-School suspension cannot be assigned for more than ten (10) consecutive days or more than fifteen (15) times or a total of fifty (50) days in one school year.
7. In-school suspension shall be held in a classroom in each school which room shall be kept closed, separated from the rest of the school and the room shall be quiet and orderly at all times.
8. If in-school suspension is completed successfully, the student will receive full credit for the school work completed therein and will be allowed to participate in after school activities.
9. The in-school suspension instructor shall follow school policy for the proper operation of the In-school suspension classroom and shall at all times implement the grading rubric designed for the City's in-school suspension classrooms and all other rules associated with it to insure that all in-school suspension classrooms and instructors are operated consistently and uniformly in the District.
10. For special education and Section 504 students, a copy of their IEP or Section 504 plan should be submitted to the In-school suspension instructor on or before the student's In-school suspension.

Discipline/Student Conduct Policy, continued**SECTION 4
SUSPENSION****1. Procedures Governing Suspension**

Unless an emergency situation requiring the student's immediate exclusion exists, the principal shall observe the following procedures in all actions which may lead to suspension except for those students covered under Article 6 below. In the event of an emergency, the procedure must be initiated as soon after the cessation of the emergency as possible, but no later than 72 hours after the exclusion.

No student shall be suspended, as suspension is defined in Section 1 above, more than ten (10) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless such student is granted a formal hearing in accordance with the procedures governing Board hearings concerning Expulsion.

a. Informal Hearings

- i. No student shall be suspended prior to having an informal hearing before the principal or his/her designee. The student will be informed of the charges which have been written.
- ii. The student shall be granted an opportunity to refute the charges against him/her.
- iii. The principal or designee shall inform the student of the disciplinary action to be imposed.

b. Notification

- i. By telephone, the principal or designee shall make all possible attempts to immediately notify the parent or guardian of the student about the suspension and state the cause(s) leading to the suspension.
- ii. Whether or not telephone contact is made with the parent or guardian, the principal or designee shall forward a letter to such parent or guardian to the most recent address reported on school records within one school day of the suspension action and offering the parent or guardian an opportunity for a conference to discuss same.
- iii. Notice of the original suspension shall be transmitted by the principal or designee to the Superintendent of Schools by the close of the school week following the commencement of the suspension.
- iv. If a student is eighteen years of age or older, any notice required by this policy shall also be given to the student.
- v. Any pupil who is suspended shall be given an opportunity to complete any classwork including, but not limited to, examinations which such pupil missed during the period of suspension.

**SECTION 5
NOTIFICATION TO PARENTS**

1. Within three weeks of the effective date of this policy, within three weeks of the beginning of each school year thereafter, and at other such times as it deems appropriate, this policy shall be distributed to students (Grades K–12) and parents (or legal guardians, if known to be other than parents) and to school employees printed in the English language with notices appended thereto in the Spanish language.

Discipline/Student Conduct Policy, continued

2. All notices, written or oral, required by this policy shall be in English and in the primary language of the home. All notices shall be made in simple and commonly understood words to the extent possible. All hearings and conferences required by this policy shall be conducted by persons fluent in the primary language of the student's home or with the assistance of an interpreter. The constitutional rights of all students and school staff will be upheld.
3. Each board shall further provide an effective means of notifying the parents or guardian of any minor pupil against whom the disciplinary action authorized by the provisions of this act has been taken. Such notice shall be given within twenty-four hours of the time such pupil has been excluded.

**ARTICLE 2
ASSAULT ON STAFF**

1. In the event of an assault committed on a member of the staff, the Board of Education authorizes that staff person to (a) retreat if possible, (b) defend himself/herself, utilizing only what force is reasonably necessary. All assaults on staff are to be reported immediately by the building principal or his/her designee to the police for prosecution, to the Superintendent (for disciplinary action if the perpetrator is a pupil) and to the Clerk of the Board. All staff members, both professional and non-professional, shall cooperate with police and prosecution authorities in prosecuting the perpetrator to the full extent of the law.
2. The victim of assault is encouraged by the Board to seek compensation from the offender and/or his/her parents by means of legal action.
3. The Board of Education shall hold harmless any member of the staff from loss and expense including legal fees and costs coming out of any claim by reason of that staff member defending himself/herself, another staff member, or pupil from assault in accordance with Section 10-235 of the Connecticut General Statutes.

**ARTICLE 3
SUSPENSION OF SCHOOL BUS PRIVILEGES**

The Board of Education authorizes the administration of the schools under its direction to suspend school bus privileges for any pupil whose conduct endangers persons or property or is seriously disruptive of the transportation process, or which conduct is violative of a publicized policy of the Board.

1. Unless an emergency exists, no pupil shall be suspended without an informal hearing before the principal of the school the pupil attends or his/her designee at which student shall be informed of the reasons for such action and given an opportunity to explain the situation. If an emergency exists such hearing shall be held as soon after the suspension as possible.
2. Prior to reinstatement of bus privileges if said suspension exceeds five (5) school days, the pupil, his/her parent or legal guardian may appeal for reinstatement at a hearing with the principal or his/her designee to show cause why said pupil shall be reinstated.

Discipline/Student Conduct Policy, continued

3. In the event of suspension of school bus privileges of a pupil, the responsibility of getting the pupil to and from school rests with the parent or guardian. In considering this option, it is advisable for school administrators to assure that alternative arrangements are made with the parent or guardian for safe transportation of the student to and from school and if no such arrangements can be made, to consider other alternatives to such disciplinary actions.
4. Unless an emergency exists, the parent or legal guardian of a child when school bus privileges have been suspended shall be notified one (1) day in advance of such suspension of the reason therefore and the duration thereof.
5. The duration of the suspension of school bus privileges is within the discretion of the principal or his/her designee and is to be rationally based upon the nature and severity of the disruption and the likelihood of repetition if and when busing privileges are restored.
6. For the purpose of the discipline policy, students' behavior on the bus, on a field trip or any school sponsored activity or/and at a school bus stop will be regarded as behavior at school. The Board authorizes the administration to suspend transportation services for any pupil whose conduct while waiting or receiving transportation to and from school endangers persons or property or is violative of a publicized policy of the Board of Education.

Hold Harmless Clause: The Board of Education will hold harmless from claims for damages any member of the professional staff against whom a claim for damages is made based upon the denial of school bus transportation whether by virtue of a suspension of school bus privileges or detention that causes a pupil to miss a school bus, as long as the proper notification was dispatched to the parent or guardian in accordance with these rules.

ARTICLE 4
DISCIPLINARY PROCEDURES AND GUIDELINES

All members of the professional staff shall enforce discipline in accordance with the following procedures:

1. When minor violations occur, level 1, these incidents will be handled proactively in the classroom. Disciplinary measures consistent with proven prior practices and known educational techniques consistent with the law may be used. Teacher will contact the parent/legal guardian and inform them of these minor violations.
2. Repeated minor occurrences will require a written referral to an administrator, contact with the parent/ legal guardian and a conference should be scheduled. (This can be done by phone, email or in person.)
3. When all teacher interventions and restorative measures prove ineffective, probation or exclusion (removal from classroom or suspension) may be warranted and imposed by the building principal as set forth in Section 1, Exclusion for Disciplinary Purposes.
4. However, the building principal is authorized to exclude (removal from classroom or suspension) a pupil to maintain an environment conducive to education as set forth in Section 1, Exclusion for Disciplinary Purposes.

Discipline/Student Conduct Policy, continued

5. When a major offense occurs, the building principal is authorized to use an in school suspension or out of school suspension as set forth in Section 1, Exclusion for disciplinary purposes, arrest or referral to court.
6. Unless an emergency exists, the parent or legal guardian of a child who has been suspended shall be notified one day in advance of such suspension of the reason for and the duration of the suspension.
7. The length of any exclusion is to be determined pursuant to statute, Board of Education Rules and Policy, and the Superintendent's regulations, as set forth herein.
8. After an exclusion period the parent and/or legal guardian shall return with the pupil for a conference and reinstatement, except where extenuating circumstances preclude parent's presence.
9. When any pupil is found vandalizing, damaging, or defacing school property, parents or legal guardians shall be held financially responsible for repair of such school property and the Board of Education shall pursue such claims through the Legal Department of the City of Waterbury.
10. In the event of vandalism, damage or defacement of school property, the building principal or his/her designee is empowered to assign the pupil or pupils involved, with proper supervision, to clean up and replace school property, where practical, in lieu of suspension when authorized in writing by the parents of the pupil.
11. Books and/or equipment and supplies are supplied for the use of pupils. It is the responsibility of each pupil to care for such school property. If damaged or lost, parents must pay for the replacement of such school property. The building principal is authorized to obtain written permission of a pupil's parents for specific work to be performed by a pupil or pupils under proper supervision, i.e., snow shoveling, weed pulling, picking up litter, etc., to meet the financial responsibility for replacement of school property.
12. Whenever the police are called in connection with a disciplinary action, every attempt should be made to notify the parent(s) of the pupil prior to the arrival of police authorities. When an emergency situation exists, the parent(s) should be notified as soon as possible. The principal or his/her designee will be present whenever the parent(s) are not at the scene.
13. Corporal punishment is not a part of the disciplinary procedure. However, school personnel may use reasonable and prudent physical force upon a student when necessary, pursuant to CGS 53a-18, to:
 - a. Protect themselves or others from immediate harm or injury;
 - b. Obtain a dangerous instrument or illegal item from a student;
 - c. Protect property;
 - d. Restrain or remove a student to maintain order.
14. The authority of the entire professional staff extends throughout the entire building, school grounds, school activities, and school transportation.

Discipline/Student Conduct Policy, continued**ARTICLE 5
DISCIPLINE**

1. **Expulsion** – The Board of Education may expel any pupil in grades three (3) to twelve (12) inclusive, except those students grades three (3) to twelve (12), inclusive, covered by Article 6 below, from school if, after a full hearing, the Board finds that his/her conduct endangers persons or property or is seriously disruptive of the educational process **and** is in violation of a publicized Board policy or whose conduct off school grounds is violative of such policy and is seriously disruptive of the educational process. Students who have been expelled may be eligible for an alternative educational program.

Since this is a very severe penalty it must be used with care and deliberation, and generally for one of two basic reasons: (1) to protect the school population from individuals whose behavior continually interrupts the learning process of other individuals, or (2) to help an individual understand that a constant behavior pattern is so inappropriate that the most serious disciplinary action possible must be taken.

For any student expelled for the first time and who has never been suspended: under the recommendation of a hearing officer, the Board of Education may shorten the length of or waive the expulsion period if the student successfully completes a Board specified program and meets any other conditions required by the Board.

In making a determination as to whether conduct is seriously disruptive of the educational process, the board of education or impartial hearing officer [Section 10-233d(b)] may consider, but such consideration shall not be limited to:

- whether the conduct occurred within close proximity of a school,
- whether other students from the school were involved or whether there was any gang involvement,
- whether the conduct involved violence, threats of violence or the unlawful use of a weapon, as defined in section 29-38, and whether any injuries occurred, and
- whether the conduct involved the use of alcohol.

2. ***Actions Leading To Expulsion***

- a. A principal must request expulsion in cases where a student, grades three (3) through twelve (12), inclusive, has already been or exclusion will result in the student's being suspended more than ten (10) times or fifty (50) days in a school year, whichever results in fewer days of exclusion, or in circumstances under which the student will be prevented from completing a normal course of study.
- b. A principal may request expulsion for students grades three (3) through twelve (12), inclusive, in cases where the principal has cause to believe:
 - i. That the student has committed conduct which has endangered persons or property or seriously disrupted the educational process **and** has violated a publicized policy of the Board of Education, and/or;
 - ii. That the student's past conduct at school is so serious as demonstrated by repeated violation of actions leading to suspensions to indicate that he/she will endanger persons or property or seriously disrupt the educational process if allowed to remain in school; or
 - iii. that the student's conduct while off school grounds violates a policy of the Board of Education and is seriously disruptive of the educational process.

Discipline/Student Conduct Policy, continued**3. Procedures Governing Expulsion**

- a. Upon receipt of an expulsion request and required school record, the Superintendent or his/her designee, shall conduct an inquiry within two (2) school days of the request. This inquiry may include an opportunity for an informal conference with the student and his/her parent or guardian.
- b. If after the inquiry, the Superintendent or designee determines that a student ought to be expelled, he/she shall forward such request to the Board of Education within five (5) days of the conclusion of the inquiry.
- c. The Board of Education shall, prior to expelling the student, conduct a hearing to be governed by the following procedures:
 - i. The student and his/her parent(s) or guardian(s) must be given reasonable notice prior to the date of the hearing.
 - ii. The notice shall contain: the date, time, and place of the scheduled hearing, the details of the grounds for the scheduled hearing, the details of the grounds for the proposed expulsion—including a narrative of the events leading to the expulsion—the names of any witnesses against the student, copies of any statements or affidavits of those witnesses, a detailed summary of any other information to be used in support of expulsion—including any record of past offenses or misbehavior, and whether any prior warnings or suspensions have been given, the proposed penalty, a statement of the student's rights as enumerated in Article 6 together with a copy of Article 6 and notice that the parents may be entitled to free or reduced legal services that are locally available through Connecticut Legal Services, 85 Central Avenue, Waterbury, CT.
 - iii. At the hearing, the student shall have the right to testify and produce witnesses and other evidence in his/her defense. The student shall have the right to demand that any witnesses against him/her appear in person to answer questions asked by the student or his/her representative.
 - iv. A student may be represented by any third party of his/her choice, including an attorney.
 - v. A student is entitled to the services of a translator, to be provided by the Board of Education, whenever the student or his/her parent(s) or guardian(s) does not speak the English language.
 - vi. The Board shall keep a verbatim record of the hearing, and the student or such student's parent or guardian shall be entitled to a copy of that record at his/her own expense unless the family of the student is indigent, in which case the record shall be provided free of charge.
 - vii. The Board shall report its final decision in writing to the student, stating finding of facts, the reasons on which the decision is based, and the penalty to be imposed. Said decision shall be based solely on evidence derived at the hearing.
 - viii. Within twenty-four (24) hours after its decision, the Board shall notify the parent(s) or guardian(s) of any minor pupil, of such action.
 - ix. The Board of Education shall mail a copy of its decision to the State Board of Education within five (5) days of the effective date of such action when required by statute.

Discipline/Student Conduct Policy, continued

- d. Whenever the Board of Education expels a student, it shall offer such student an alternative education program. The parent(s) or guardian(s) of such student has the legal right to reject such a program without being subject to the truancy law. The parent(s) or guardian(s) of such student may challenge the adequacy of this program at a hearing before the Board held subject to the requirements of Connecticut General Statutes.
- e. The Board of Education will not provide an alternative education program for a student who is expelled, if this individual case was decided on the conditions stated in C.G.S., Section 10-233d.(e).
- f. Whenever a pupil is expelled pursuant to the provisions of this section, notice of the expulsion and the conduct for which the pupil was expelled shall be included on the pupil's cumulative educational record.
- g. The Waterbury Board of Education may adopt the decision of a pupil expulsion hearing conducted by another school district. The pupil shall be excluded from school pending the expulsion period as identified by the student's previous educational facility and/or school. The excluded student may be offered an alternative educational opportunity.

5. Procedures Governing the Expungement of Expulsion Records

- a. Notice of an expulsion pursuant to C.G.S. §10-233d(f) and as set forth in section 3 of this policy, except for notice of an expulsion of pupils in grades nine through twelve, based on possession of a firearm or deadly weapon as described in subsection (a) of C.G.S. §10-233d as follows:
 - i. shall be expunged from the cumulative educational record by the local or regional board of education upon a pupil graduating from high school;
 - ii. may be expunged from the cumulative educational record by the local or regional board of education before a pupil graduates from high school if:
 - a. in the case of a pupil expelled for the first time and who has never been suspended, except for a pupil who has been expelled based on possession of a firearm or deadly weapon, for which the length of the expulsion period is shortened or the expulsion period is waived, such board determines that an expungement is warranted at the time such pupil completes the board-specified program and meets any other conditions required by such board, or
 - b. such pupil has demonstrated to such board that the conduct and behavior of such pupil in the years following such expulsion warrants an expungement.

6. Mandatory Expulsion Policy

- a. The Board of Education, in compliance with Connecticut General Statutes §10-233d, has adopted a policy under which whenever there is reason to believe that any student, grades kindergarten (K) to twelve (12), inclusive:
 - i. on school grounds or at a school sponsored activity was in possession of a firearm as defined by law or
 - ii. off school grounds to possess a firearm or did possess or use a firearm, instrument or weapon in the commission of a crime or
 - iii. on or off school grounds offered for sale or distribution of a controlled substance, or possessed with intent to sell

Discipline/Student Conduct Policy, continued

shall be expelled for a period of one calendar year. The Board of Education may modify the period of expulsion for a pupil on a case by case basis. These students shall also be referred to the Criminal Justice System. Waterbury will maintain records that include: (1) the name of the school concerned; (2) the number of students expelled from the school; and (3) the type of weapons concerned. The Board of Education agrees to provide this information to the state upon request.

- b. As to pre-K students enrolled in programs offered by the Board of Education, no preschool program provider shall expel any student enrolled except an expulsion hearing may be conducted whenever there is reason to believe that any child enrolled in such preschool program was in possession of a firearm as defined by Title 18 of the United States Code Section 921, on or off school grounds or at a preschool program-sponsored event. Such child shall be expelled for one calendar year if it is determined at the hearing that the child did possess a firearm. A preschool program may modify the period of expulsion for a child on a case by case basis.
- c. The Gun-Free Schools Act, which was re-codified as section 4141 of the No Child Left Behind Act, obligates state educational agencies that receive federal funds to require that local educational agencies expel students who bring a "weapon" to school for no less than one calendar year, subject to exceptions on a case-by-case basis. The law defines "weapon" as a firearm as defined as 18 U.S.C. §921 (a), summarized as follows:
 - i. *The term "firearm" means -*
 - a. any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;
 - b. the frame or receiver of any such weapon;
 - c. any firearm muffler or firearm silencer; or
 - d. any destructive device. Such term does not include an antique firearm.
 - ii. *The term "destructive device" means -*
 - a. any explosive, incendiary, or poison gas,
 - b. bomb,
 - c. grenade,
 - d. rocket having a propellant charge of more than four ounces,
 - e. missile having an explosive or incendiary charge of more than one-quarter ounce,
 - f. mine, or
 - g. device similar to any of the devices described in the preceding clauses.

The statutory definition also includes any combination of parts designed or intended for use readily construction a "weapon" as defined above. The Act requires that students who bring such weapons to school be expelled for one calendar year. It permits the chief executive officer of the school district to make case by case exceptions in writing.

ARTICLE 6
DISCIPLINARY POLICY FOR PUPILS WITH DISABILITIES

1. Notwithstanding the foregoing, the following procedures shall apply to students who are eligible or have been identified as having one or more disabilities under the IDEA. (an "identified student").

Notwithstanding any provision to the contrary, if suspension or expulsion is considered as a consequence of an identified student's conduct, if an issue exists as to whether the conduct was the direct result of the district's failure to implement the IEP, or, if the Board of Education is

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contemplating a change of placement for more than ten (10) school days per school year for an identified student who has engaged in other behavior that violated any rule or code of conduct of the school district that applies to identified or non-identified students, the following procedures shall apply:

- a. If an identified student engages in conduct that would lead to a recommendation for disciplinary action not contemplated by a child's behavior plan:
 - b. the parents of the student must be notified of the decision to take disciplinary action not later than on the date on which the decision to take that action was made and must also receive notice of all special education procedural safeguards; and
 - c. in the case of a recommendation for expulsion, or a disciplinary action that would result in the suspension of an identified student for greater than ten (10) school days per school year, the district shall convene the student's planning and placement team (PPT) as soon as possible, but in no case later than ten (10) school days after the recommendation for such discipline was made, for the purpose reviewing the relationship between the student's disability and the behavior that led to the recommendation for such discipline and whether the conduct directly relates to any failure to provide special education services set forth in the student's IEP, in order to determine whether the student's behavior was a manifestation of his/her disability. During the process of manifestation review, a student may be suspended for up to ten (10) school days. An identified student must not be suspended for more than ten (10) days per school year, without the school district's conducting a manifestation PPT.
2. If the PPT finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommendation for expulsion. The PPT shall consider the student's misconduct together with any unique circumstances and revise the IEP to prevent a recurrence of the misconduct and to provide for the safety of other students and staff. If the IEP of the identified student does not contain a current behavior intervention plan, the PPT must develop a behavior intervention plan to address the behavior that led to the disciplinary action. If the IEP of the identified student contains a current behavior intervention plan, the PPT must consider the use of positive behavioral interventions to address the child's behavior and convene as necessary to review and modify the behavior intervention plan to address the student's behavior.

If the PPT finds that the behavior was not a manifestation of the student's disabilities, the Administration may proceed with the recommended expulsion, to the extent that a non-identified student would be subject to such discipline. During any period of expulsion, or suspension of greater than ten (10) days per school year, an identified student shall receive an alternative education plan in accordance with the IEP as modified by the PPT in light of the student's exclusion. The special education records and disciplinary records of the student must be transmitted to the individual(s) who will make the final determination regarding a recommendation for exclusions of greater than ten (10) school days per year.

3. Notwithstanding the foregoing, the placement of an identified student may be changed as a disciplinary measure under the following circumstances:

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- a. School personnel may transfer an identified student to an appropriate interim alternative educational setting, another setting, or suspension for not more than ten (10) school days per school year if such disciplinary action would also apply to non-identified students; or
 - b. School personnel may transfer an identified student to an appropriate interim alternative education setting for not more than forty-five (45) school days if the student was in possession of a dangerous weapon, as defined in 18 U.S.C. 930(G)(2), as amended from time to time, on school grounds or at a school sponsored-activity, or
 - c. knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school-sponsored activity; or
 - d. School personnel may take disciplinary action against an identified student that would be taken against similar behavior by a non-identified student, including expulsion, if a PPT review of the relationship between the student's disability and the behavior subject to disciplinary action and a review of the district's implementation of the IEP concludes that the student's behavior was not a manifestation of the student's disability or due to the district's failure to implement the IEP. Under such circumstances, the Board of Education must continue to provide a free appropriate public education to the identified student.
 - e. The Board of Education may report a crime committed by an identified student to the appropriate law enforcement authority. When the Board reports such a crime, copies of the student's special education and discipline records must be transmitted for consideration by the authorities who received the report of the crime.
 - f. As used in the following subsection, the term "dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2.5 inches in length.
4. Procedures concerning students who are eligible or who have been identified as having one or more disabilities under Section 504 of the Rehabilitation Act, which student does not fit the criteria under the IDEA as described in subsection 1 above (a "student with disabilities") are set forth below.: Notwithstanding the foregoing, the following additional procedures apply to a student with disabilities as defined in this subsection:
- a. Notwithstanding any provision to the contrary, if suspension or expulsion is considered as a consequence of a student with disabilities' conduct, if an issue exists as to whether the conduct was the direct result of the district's failure to implement the Section 504 plan, or if the Board of Education is contemplating a change of placement for more than ten (10) school days per school year for a student with disabilities who has engaged in other behavior that violated any rule or code of conduct of the school district that applies to students with or without disabilities, the following procedures shall apply:
 - i. If a student with disabilities engages in conduct that would lead to a recommendation for suspension or expulsion:
 - a. the parents of the student must be notified of the decision to suspend or expel not later than on the date on which the decision to take that action was made.

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- b. the district shall convene the student's Section 504 Team (504 Team) as soon as possible but in no case later than ten (10) school days after the recommendation for such discipline was made, for the purpose of reviewing the relationship between the student's disability and the behavior that led to the recommendation for such discipline and whether the conduct directly relates to any failure to provide Section 504 services set forth in the student's Section 504 plan, in order to determine whether the student's behavior was a manifestation of his/her disability.
- ii. If the Section 504 Team finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommendation for expulsion. The Section 504 Team shall consider the student's misconduct and revise the Section 504 Plan to prevent a recurrence of the misconduct and to provide for the safety of other students and staff. If the 504 Plan of the student with disabilities does not contain a current behavior intervention plan, the Section 504 Team must develop a behavior intervention plan to address the behavior that led to the disciplinary action. If the Section 504 Plan of the student with disabilities contains a current behavior intervention plan, the 504 Team must consider the use of positive behavioral interventions to address the child's behavior and convene as necessary to review and/or modify the behavior intervention plan.
- iii. If the Section 504 Team finds that the behavior was not a manifestation of the student's disabilities, the Administration may proceed with the recommended expulsion, to the extent that a student without disabilities would be subject to such discipline. Even if the behavior is a manifestation of the student's disability, the "student with disabilities" placement may change to an appropriate interim alternate setting as set forth under subsection 3a through 3e above.

Legal Reference:

Connecticut General Statutes

4-177 through 4-180. Contested Cases. Notice. Record.

10-233a through 10-233f Suspension, removal and expulsion of students, as amended by PA 95-304, PA 96-244, PA 98-139, PA 07-66, PA 07-122, PA 08-160, PA 09-82, PA 09-6 (September Special Session), PA 10-111, PA 14-229, PA 15-96, and PA 19091

21a-240(9) Definitions.

53a-3 Definitions.

PA 94-221 An Act Concerning School Discipline and Security.

PA 95-304 An Act Concerning, School Safety

PA 15-96 An Act Concerning Out-of-School Suspensions and Expulsions for Students in Preschool and Grades Kindergarten to Two

GOALS 2000: Educate America Act, Pub. L. 103-227.

18 U.S.C. 921 Definitions.

Title III - Amendments to the Individuals with Disabilities Act Sec. 314

Elementary and Secondary Schools Act of 1968, as amended by the Gun Free Schools Act of 1994

PL 105-17 The Individuals with Disabilities Act, Amendments of 1997

20 U.S.C. Section 7114, No Child Left Behind Act

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